

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA *ex rel.*
SILBERSHER *et al.*,

Civil Action No. 19-12107 (KM) (ESK)

Plaintiffs,

vs.

JANSSEN BIOTECH, INC., et al.,

Defendants.

LOUISIANA HEALTH SERVICE &
INDEMNITY COMPANY D/B/A BLUE
CROSS AND BLUE SHIELD OF LOUISIANA,
et al., on behalf of themselves and all others
similarly situated,

Civil Action No. 19-14146 (KM) (ESK)

Plaintiffs

vs.

JANSSEN BIOTECH, INC., et al.,

Defendants.

KPH HEALTHCARE SERVICES, INC., a/k/a
KINNEY DRUGS, INC., *et al.*,
individually and on behalf of all others similarly
situated,

Civil Action No. 20-05901 (KM) (ESK)

Plaintiffs,

vs.

JANSSEN BIOTECH, INC., et al.,

Defendants.

**STIPULATION AND ORDER
REGARDING COORDINATION OF
CASES AND CONSOLIDATION OF
DOCKETS**

The parties in the above-captioned litigation have met and conferred and, subject to this Court's approval, respectfully submit this Stipulation and proposed Order.

WHEREAS, *United States ex rel. Silbersher v. Janssen Biotech Inc., et al.*, Civil Action No. 19-12107 (KM-ESK), is referred to as the “*Qui Tam* Action;”

WHEREAS, *Louisiana Health Service & Indemnity Co., et al. v. Janssen Biotech, Inc., et al.*, Civil Action No. 19-14146 (KM-ESK), and *Self-Insured Schools of California v. Janssen Biotech, Inc., et al.*, Civil Action No. 19-14291 (KM-ESK), were previously consolidated for all purposes and are referred to as the “End-Payor Class Action;”

WHEREAS, *KPH Healthcare Services, Inc. v. Janssen Biotech, Inc., et al.*, Civil Action No. 20-05901 (KM-ESK), is referred to as the “Direct Purchaser Class Action;”

WHEREAS, although the *Qui Tam* Action, End-Payor Class Action and Direct Purchaser Class Action will not themselves be consolidated, the parties agree that because these cases share a common nucleus of alleged facts, both discovery and pre-trial proceedings in the three actions should be coordinated for pre-trial purposes to the extent reasonably practicable;

WHEREAS this order does not impact consolidation of proceedings for purposes of trial; and

WHEREAS, the parties agree that it will promote efficiency for the dockets in the *Qui Tam* Action, End-Payor Class Action, and Direct Purchaser Class Action to be consolidated.

IT IS HEREBY STIPULATED AND AGREED, subject to the approval of the Court, that:

The *Qui Tam* Action, End-Payor Class Action, and Direct Purchaser Class Action will be coordinated for discovery and pre-trial purposes and the dockets in all three actions will be consolidated to one docket, with Civil Case No. 19-12107 (KM-ESK) designated as the Master Docket.

A. Consolidation of Any Later-Filed End-Payor or Direct Purchaser Class Actions

If one or more additional actions are filed in this district, or transferred to this Court, that

purport to be brought on behalf of a class of end-payors of Zytiga, they shall be deemed consolidated with the End-Payor Class Action unless an objection is filed within 14 days of effective service of each new complaint on all parties, and the objection is sustained.

If one or more additional actions are filed in this district, or transferred to this Court, that purport to be brought on behalf of a class of direct purchasers of Zytiga, they shall be deemed consolidated with the Direct Purchaser Class Action unless an objection is filed within 14 days of effective service of each new complaint on all parties, and the objection is sustained.

B. Case Caption and Consolidation of Dockets

The Clerk of Court is directed to consolidate the *Qui Tam* Action, End-Payor Class Action, and Direct Purchaser Class Action to one docket, with Civil Action No. 19-12107 (KM)(ESK) designated as the Master Docket.

All actions related to the *Qui Tam* Action, End-Payor Class Action, and/or Direct Purchaser Class Action filed in or transferred to this district, or to be filed or transferred, shall bear the following caption:

In re: Zytiga Litigation	Master Docket. No. 19-12107 (KM)(ESK)
This Document Relates To:	

When a pleading or other court paper filed is intended to apply to all actions, the words “All Actions” shall appear immediately after the words “This Document Relates To:” in the caption set out above. When a pleading or other court paper is intended to apply only to one, or some, but not all, of such actions, the party filing the document shall indicate the action(s) to which the document is intended to apply. The parties may indicate, for example, “*Qui Tam* Action” or “End-Payor Class Action” or “Direct Purchaser Class Action.”

The master docket sheet entry will reflect the fact that any particular filing relates to one or more, but less than all, of the actions. It is the obligation of counsel for the party undertaking such a filing to ensure that any orders entered pursuant to such a filing reflect this limitation.

Dated: March 24, 2021

By: /s/ Shelly L. Friedland

Shelly L. Friedland
Ted Trief
TRIEF & OLK
9 Kansas Street
Hackensack, NJ 07601
Telephone: (201) 343-5770
Facsimile: (212) 317-2946
sfriedland@triefandolk.com

Interim Liaison Counsel for Direct Purchaser Plaintiffs and the Proposed Direct Purchaser Plaintiff Class

Dianne M. Nast
NASTLAW LLC
1101 Market Street, Suite 2801
Philadelphia, PA 19107
Telephone: (215) 923-9300
Facsimile: (215) 923-9302
dnast@nastlaw.com

Michael L. Roberts
ROBERTS LAW FIRM
1920 McKinney Avenue, Suite 700
Dallas, TX 75201
Telephone: (501) 952-8558
mikeroberts@robertslawfirm.us

Co-Interim Lead Counsel for the Proposed Direct Purchaser Plaintiff Class

By: /s/ Bruce D. Greenberg

Bruce D. Greenberg
LITE DePALMA GREENBERG, LLC
570 Broad St, Suite 1201
Newark, NJ 07102
Tel: (973) 623-3000
Fax: (973) 623-0858

By: /s/ James E. Cecchi

James E. Cecchi
Lindsey H. Taylor
CARELLA, BYRNE, CECCHI,
OLSTEIN, BRODY & AGNELLO, P.C.
5 Becker Farm Road
Roseland, NJ 07068
(973) 994-1700

Interim Liaison Counsel for End-Payor Plaintiffs and the Proposed End-Payor Class

Thomas M. Sobol
Lauren G. Barnes
Gregory T. Arnold
HAGENS BERMAN SOBOL SHAPIRO LLP
55 Cambridge Parkway, Suite 301
Cambridge, MA 02142
Telephone: (617) 482-3700
Facsimile: (617) 482-3003
tom@hbsslaw.com
lauren@hbsslaw.com
grega@hbsslaw.com

Sharon K. Robertson
Donna M. Evans
COHEN MILSTEIN SELLERS & TOLL, PLLC
88 Pine Street, 14th Floor
New York, NY 10005
Telephone: (212) 838-7797
Facsimile: (212) 838-7745
srobertson@cohenmilstein.com
devans@cohenmilstein.com

Co-Chairs of the Co-Interim Lead Counsel Committee for the Proposed End-Payor Class

bgreenberg@litedepalma.com

Nicomedes Sy Herrera (*pro hac vice*)
Laura E. Seidl (*pro hac vice*)
HERRERA KENNEDY LLP
1300 Clay Street, Suite 600
Oakland, California 94612
Telephone: (510) 422-4700
NHerrera@HerreraKennedy.com
LSeidl@HerreraKennedy.com

Tejinder Singh (*pro hac vice*)
GOLDSTEIN & RUSSELL, P.C.
7475 Wisconsin Avenue, Suite 850
Bethesda, Maryland 20814
Telephone: (202) 362-0636
TSingh@goldsteinrussell.com

Attorneys for Plaintiff-Relator
Zachary Silbersher

SILLS CUMMIS & GROSS P.C.

By: s/ Jeffrey J. Greenbaum
Jeffrey J. Greenbaum
Gregory E. Reid
One Riverfront Plaza
Newark, NJ 07102
Phone: (973) 643-7000
jgreenbaum@sillscummis.com
greid@sillscummis.com

SIDLEY AUSTIN LLP
Gordon D. Todd (*pro hac vice*)
Kimberly Leaman (*pro hac vice*)
1501 K Street, N.W.
Washington, DC 20005
Telephone:(202)736-8000
gtodd@sidley.com
Kimberly.leaman@sidley.com

COVINGTON & BURLING LLP
Timothy C. Hester (*pro hac vice*)
Ashley E. Bass (*pro hac vice*)
Carol A. Szurkowski (*pro hac vice*)
One CityCenter

James R. Dugan II
David S. Scalia
TerriAnne Benedetto
THE DUGAN LAW FIRM, LLC
One Canal Place, Suite 1000
365 Canal Street
New Orleans, LA 70130
Telephone: (504) 648-0180
Facsimile: (504) 648-0181
jdugan@dugan-lawfirm.com
dscalnia@dugan-lawfirm.com
tbenedetto@dugan-lawfirm.com

Counsel for Plaintiffs Louisiana Health Service & Indemnity Company d/b/a Blue Cross and Blue Shield of Louisiana, HMO Louisiana, Inc. and Co-Interim Lead Counsel for the Proposed End-Payor Class

Joseph H. Meltzer
Terence S. Ziegler
Donna Siegel Moffa
KESSLER TOPAZ MELTZER & CHECK LLP
280 King of Prussia Road
Radnor, PA 19087
Telephone: (610) 667-7706
Facsimile: (610) 667-7056
jmeltzer@ktmc.com
tziegler@ktmc.com
dmoffa@ktmc.com

Counsel for Plaintiff Iron Workers District Council (Philadelphia and Vicinity) Health Benefit Plan and Co-Interim Lead Counsel for the Proposed End-Payor Class

850 Tenth Street NW
Washington, DC 20001
Telephone: (202) 662-6000
thester@cov.com
abass@cov.com
cszurkowski@cov.com

*Attorneys for Defendants Janssen Biotech, Inc.,
Janssen Oncology, Inc., Janssen Research &
Development, LLC, and Johnson & Johnson*

WALSH PIZZI O'REILLY FALANGA LLP

By: s/Liza M. Walsh

Liza M. Walsh
Katelyn O'Reilly
William T. Walsh, Jr.
Three Gateway Center
100 Mulberry Street, 15th Floor
Newark, NJ 07102
Telephone: (973) 757-1100
lwalsh@walsh.law
koreilly@walsh.law
wwalsh@walsh.law

WHITE & CASE LLP

Peter J. Carney (*pro hac vice*)
Adam M. Acosta (*pro hac vice*)
701 Thirteenth Street, NW
Washington, DC 20005-3807
Telephone: (202) 626-3667
pcarney@whitecase.com
adam.acosta@whitecase.com

Alison Hanstead (*pro hac vice*)
Jack E. Pace III (*pro hac vice*)
1221 Avenue of the Americas
New York, NY 10020-1095
Telephone: (212) 819-8433
ahanstead@whitecase.com
jpace@whitecase.com

Kevin M. Bolan (*pro hac vice*)
75 State Street
Boston, MA 02109-1814
Telephone: (617) 979-9311

Joe P. Leniski, Jr.
J. Gerard Stranch, IV
James G. Stranch, III
BRANSTETTER, STRANCH & JENNINGS, PLLC
223 Rosa Parks Ave. Suite 200
Nashville, TN 37203 Telephone: 615/254-
8801 Facsimile: 615/255-5419
joeyl@bsjfirms.com
gerards@bsjfirms.com
jims@bsjfirms.com

*Council for Plaintiff Kentucky Laborers
District Council Health and Welfare Fund and
Co-Interim Lead Counsel for the Proposed
End-Payor Class*

Richard A. Sherburne, Jr.
Jessica W. Chapman
LOUISIANA HEALTH SERVICE & INDEMNITY
COMPANY, D/B/A BLUE CROSS AND BLUE
SHIELD OF LOUISIANA
5525 Reitz Avenue (70809)
P.O. Box 98029
Baton Rouge, LA 70809-9029
Telephone: (225) 298-1144
Facsimile: (225) 297-2760
Richard.Sherburne@bcbsla.com
Jessica.Chapman@bcbsla.com

Bryan F. Aylstock
Justin G. Witkin
AYLSTOCK WITKIN KREIS OVERHOLTZ PL
LC
17 East Main Street
Pensacola, FL 32502
Telephone: (850) 202-1010
Facsimile: (850) 916-7449
baylstock@awkolaw.com
jwitkin@awkolaw.com

*Counsel for Plaintiffs Louisiana Health Service
& Indemnity Company d/b/a Blue Cross and
Blue Shield of Louisiana, HMO Louisiana,
Inc.*

Kevin.bolan@whitecase.com

*Attorneys for Defendant
BTG International Limited*

Christopher J. Cormier
BURNS CHAREST LLP
4725 Wisconsin Avenue, NW
Suite 200
Washington, DC 20016
Tel: (202) 577-3977
ccormier@burnscharest.com

Warren T. Burns
Spencer Cox
BURNS CHAREST LLP
900 Jackson Street, Suite 500
Dallas, Texas 75201
Tel: (469) 904-4550
wburns@burnscharest.com
scox@burnscharest.com

Amanda Klevorn
BURNS CHAREST LLP
65 Canal Street, Suite 1170
New Orleans, Louisiana 70130
Tel: (504) 799-2845
lwright@burnscharest.com

*Counsel for Plaintiff the
Mayor and City Council of Baltimore and the
Proposed End-Payor Class*

Jane Lewis
CITY OF BALTIMORE DEPARTMENT OF LAW
City Hall, Room 109
100 N. Holiday Street
Baltimore, MD 21202
Telephone: (443) 388-2190
Jane.Lewis@baltimorecity.gov

*Counsel for Plaintiff the Mayor and City
Council of Baltimore*

Heidi M. Silton
Karen H. Riebel
Jessica N. Servais
LOCKRIDGE GRINDAL NAUEN PLLP
100 Washington Avenue S., Suite 2200
Minneapolis, Minnesota 55401
Tel: (612) 339-6900

Fax: (612) 339-0981
hmsilton@locklaw.com
khriebel@locklaw.com
jnservais@locklaw.com

Daniel C. Hedlund
Michelle J. Looby
GUSTAFSON GLUEK PLLC
120 South 6th Street, Suite 2600
Minneapolis, Minnesota 55402
Tel: (612) 333-8844
Fax: (612) 339-6622
dhedlund@gustafsongluek.com
mlooby@gustafsongluek.com

*Counsel for Plaintiff Pipe Trades Services
MN Welfare Fund and the Proposed End-
Payor Class*

SO ORDERED this _____ day of _____ 2021.

EDWARD S. KIEL, U.S.M.J.